

# COMPLAINTS AND APPEALS POLICY

## 1. Statement of policy

The Gordon Institute of TAFE (The Institute) is committed to the provision of high quality and rewarding education and training, and associated services. The Institute is dedicated to a positive customer experience. This includes working to resolve dissatisfaction, concerns or complaints in accordance with relevant legislation, our values and best practice principles.

We encourage customer dissatisfaction to be initially addressed as soon as possible and where practical resolved via frontline resolution with the Manager of the area concerned through discussion before formal complaint and appeal procedures are considered (which generally require longer timeframes).

The complaints and appeals process allows for escalation and independent review of customer concerns. However, from time to time stakeholders send concerns directly to the CEOs office, stakeholders should be aware these complaints are registered and managed as per this policy. As with key regulators in the VET sector who only consider a complaint if you have already accessed the Institute's Complaints and Appeals processes and not had your issue satisfactorily resolved, the Institute's CEOs office applies a similar principal to complaint and appeal management and has oversight and receives reports of significant issues.

## 2. Scope

This policy applies to all customers of The Institute's services including but not limited to our students, prospective students, employers of our students, or those who access other non-educational services provided by The Institute. The dissatisfaction with the Institute may be in regard to teachers or other staff or volunteer, a third party providing services on behalf of the Institute or its staff, or our services including online services.

Dissatisfactions, grievances, concerns or formal complaints may involve, but are not limited to:

- The conduct of our teachers or other staff including those contracted by the Institute
- A student of The Gordon when they can be reasonably expected to be under our duty of care (eg in class, working in our clinics or restaurants, on practical placement etc)
- The quality of an action taken, decision made or service provided by the Institute or a third party (contractor)
- A delay or failure in providing a service, taking an action or making a decision by the Institute or its contractor
- Academic issues (eg course selection, teaching resources, training delivery, assessment, awards etc)
- Non-academic issues (eg fees, charges, facilities, personal information held, other services etc)
- Allegations of misconduct or abuse of a child under 18 by a staff member, contractor or volunteer
- Allegations of neglect, abuse or misuse of an animal in the delivery or assessment of our courses

### Exclusions:

- For employment related complaints, disputes or grievances staff should refer to the *Workplace Complaint Resolution SHRD PR 23*
- For protected disclosures and IBAC Mandatory Notifications refer to the *Protected Disclosure Policy SHRD PR 17* and *IBAC Mandatory Notifications Policy SHRD PO 41* respectively
- Note that in general complaints about students will be managed in accordance with our *Student Misconduct Policy RISK PO 12*.

## 3. Definitions

The following terms and abbreviations are specific to this policy:

**Complainant:** Any student, potential student, employer of a student or customer of The Institute who has lodged a formal complaint with The Gordon via its complaints process as described in this policy.

**Formal Complaint:** Any documented concern sent to the Quality Office and raised by a student, potential student, employer of a student or customer of The Institute or someone acting on their behalf with consent.

**Appeal:** A formal written notice sent to the Quality Office requesting the review of a decision that has been made and communicated to a customer or complainant.

#### 4. Overview / principles

The Gordon is committed to the achievement of excellence through client satisfaction. This policy is based upon the following principles:

- All complaints shall be addressed equitably and in accordance with this policy and regulatory obligations.
- Anyone who has been affected by a decision or action (including a failure to make a decision or take action) can make a complaint and people with a range of needs can complain - our staff actively assist them to navigate the complaints process
- Complaints are dealt with courteously, impartially and are assessed on their individual merit.
- There is no detriment, discrimination or adverse effect to people who complain. We shall ensure a student's enrolment or enrolment application is not suspended, deferred or cancelled whilst any investigation of a complaint is being undertaken or appeal considered.
- We will keep complainants informed whilst the complaint is being investigated and actioned, their likely involvement, the anticipated timeframes and the possible outcome of their complaint, where practicable.
- The substance of a complaint will dictate the level of resources dedicated to it, not a complainant's demands or behaviour. We consider and respect human rights.
- Our staff are not expected to tolerate complainant behaviour that is offensive, abusive, threatening or which consumes disproportionate resources. In these circumstances or where unreasonable complainant conduct applies, we will respond appropriately.
- A person who might have limited capacity to make a complaint may request that another person assist or represent them to make or progress their complaint. The Institute will accept complaints from such representatives, where they have been officially authorised on another person's behalf. That person's authority will need to be verified and where personal information is involved
- We may accept and respond to anonymous complaints at our discretion, provided we have enough information to do so. An anonymous complaint may be less effective however as it may not be practical to investigate the complaint if a person cannot be contacted, or their identity not be disclosed.
- Our staff are also entitled to be treated respectfully if someone complains about them. Subject to any legislative restrictions (eg Protected Disclosure Act 2012) our staff are entitled to be informed of complaints made about them; and be given an opportunity to be heard. Protected Disclosures will be managed by our Protected Disclosure Coordinator (the Head of Strategic HR and Development)
- To effectively manage a complaint it is vital that those against whom a complaint has been made are given full details of the complaint before they are interviewed.
- Complaints and appeals shall be dealt with in a timely manner within achievable deadlines for each stage of the resolution process.
- Confidentiality is essential in all aspects of the initiation, resolution and recording of complaints, consistent with Institute standards and statutory requirements.
- During complaint resolution or appeal processes both the complainant and respondent may be accompanied and assisted by a support person if that is their desire.
- The complainant and respondent shall be informed of the status of and progression of the resolution processes consistent with confidentiality and privacy standards.
- Where a complainant is not satisfied with the outcome of a complaint they are entitled to seek an independent review on procedural or substantive grounds.

These policies and the related procedures do not in any way negate an individual's right to refer a complaint or appeal to any external agency or statutory authority.

## 5. Complaint process

If frontline management cannot satisfactorily resolve an issue, or a concern is not easily solved (i.e. it is complex, serious or systemic) or the complainant is still aggrieved, a formal complaint may be submitted.

A complaint must be lodged in writing to The Gordon's Quality office ([qualityassurance@gordontafe.edu.au](mailto:qualityassurance@gordontafe.edu.au)). The Gordon's Action Form should be used to lodge a complaint. When making complaints complainants should:

- Identify themselves and provide contact information
- Clearly identify the concern and define the matter
- Provide all relevant information available at the time
- Articulate their desired outcome
- Promptly respond to any requests for further information.

The Gordon's Quality Office will acknowledge the receipt of the complaint within two working days and notify you of the complaint reference number, the name and contact details of the person who will be reviewing or investigating the complaint.

Generally a complaint will be investigated by the relevant Manager for the area (or higher position if the Manager is a respondent to the complaint), unless the issue covers a number of areas in which case the Quality Office will nominate an appropriate Manager.

A complainant may be requested to attend a meeting to discuss their complaint; Students may be accompanied and assisted by a support person who is not a legal practitioner in any relevant meetings with The Gordon.

The Manager reviewing the complaint will provide the customer with a formal response as to what actions are proposed to resolve the concern, including anticipated completion dates and action owners. Generally this response will be within 20 working days and The Gordon will try and resolve the complaint within 60 calendar days. Where it will take longer than 60 days the complainant will be notified of the timeframe and the reason for the delay.

Complainants will be provided with regular updates whilst the complaint is being investigated and actioned.

## 6. Supporting principles

### 6.1 Informal resolution

In the first instance resolution between the parties concerned should be attempted at the source via discussion and mediation (where appropriate). The complainant is entitled to have a support person, who is not a legal practitioner in attendance in any meetings during this discussion and mediation process.

### 6.2 Timeframe for lodging a complaint

In the case of complaints about results, assessment and requests for special consideration, students are expected to submit complaints within 10 working days of being notified of the result.

In the case of all other complaints, complainants are expected to submit complaints within 12 months of the event occasioning the complaint.

The Gordon may allow a longer period or consider a complaint of an historical nature in exceptional circumstances.

### 6.3 Withdrawal of a complaint

At any time during the resolution process a complainant may withdraw the complaint which will conclude the matter and it will be deemed as being resolved. If the complaint has been formally lodged then the withdrawal must be in writing to the Quality Office ([qualityassurance@gordontafe.edu.au](mailto:qualityassurance@gordontafe.edu.au)).

### 6.4 Anonymous complaints

Anonymous or unidentified complaints will be investigated at the discretion of The Gordon depending upon the nature of the complaint, there being sufficient information for an investigation, or there being a statutory requirement for investigation. The Gordon will not send a response to an anonymous complainant on the investigation process or outcomes.

## 7. Grounds for appeal

A person has grounds for making a complaint or raising an appeal against a decision made in relation to a situation where he or she has been adversely affected by one or more of the following:

- Staff have not acted fairly or have demonstrated improper, negligent or irregular conduct during the handling of the complaint or in making a decision which is being appealed.
- Policies and Procedures have been ignored or applied inconsistently
- Decisions have not been made in a timely manner
- A decision has been made without sufficient consideration of the facts or evidence of consideration for the complainant
- A penalty that is or would be too harsh

These examples are provided for guidance, they are not made to limit the circumstances which gives rise to a complaint or appeal.

### 7.1 Appeals

Where a complainant is not satisfied with the resolution of a complaint process, assessment decision or sanction relating to academic progress or attendance then he/she is entitled to lodge an appeal.

The Institute's appeal process provides an internal avenue for review of the complaint outcome by staff other than the original decision maker

Appeals must be lodged within ten working days of written notification of the outcome of a complaint, notification of the outcome of an assessment, academic progress or attendance sanction. In exceptional circumstances The Gordon may allow a longer period.

Your appeal must be lodged in writing with The Gordon's Quality Office ([qualityassurance@gordontafe.edu.au](mailto:qualityassurance@gordontafe.edu.au)). Appeals should be on or attached to an Action Form. They should be received as soon as practicable after formal notification of a complaint resolution or formal notification relating to academic progress or attendance matters (10 working days maximum).

When lodging an appeal the appellant should:

- Identify themselves and provide contact information
- Clearly state what decision the appeal relates to
- Define the grounds for appeal
- Provide all relevant information available at the time
- Articulate the desired outcome

- Promptly respond to any requests for further information.

Assessment appeals will be facilitated by the relevant Manager (unless they were the original assessor) in consultation with an independent qualified assessor.

Complaint appeals will be referred to the Chief Executive Officer or delegate and will be conducted by an Internal Appeal Panel.

The Gordon will notify the appellant in writing within two working days of the name and contact details of the person who will be reviewing the appeal.

The Gordon will review the appeal within 30 days. Where it will take longer than 30 days the appellant will be notified in writing of the expected timeframe and reason for the delay.

The appellant will be provided with regular updates, whilst the appeal is being reviewed.

### Internal Appeal Panel

The Chief Executive Officer or delegate will establish an independent appeal panel, consisting of individuals who have had no prior dealings with the preceding issue. The appellant will be notified of the members of the appeal panel in writing.

The appellant is entitled to address the appeal panel or have an advocate to do so. The appellant has the right to have a support person at any meetings relating to the appeal.

Normally the appeal proceedings should be limited to a further **ten working days**, however in some cases, particularly if the matter is complex, the resolution may take longer, in which case the student will be advised of an extended timeframe and will be kept informed by the panel chair as to progress.

The appeal panel will make a ruling to decide the outcome of the appeal. This will be formally communicated to the student in writing.

## 8. External Review

Complainants are entitled under Australian law to seek a review of their complaints with The Gordon to external agencies and regulatory authorities. It should be pointed out that generally most external agencies expect the complainant to access internal complaint resolution and appeals processes before accepting a case. This generally means that appeals to external agencies should be a last resort.

## 9. Governance / responsibilities

Position	Governance / Responsibility
Risk and Compliance Committee	Reviews and endorses the Complaints and Appeals policy and formally ratifies its publication Has oversight of the complaints and appeals processes
Quality and Risk Manager	Manages and monitors the complaint and appeals system on behalf of The Gordon
Department Heads	Support staff and have delegated authority to problem solve, monitors complaint investigations and any ensuing outcome/advice or other role in accordance with the complaint management policy and procedure
All other staff	Assist with facilitating frontline resolution of issues. Comply with the complaint management policy and procedure

## 10. Key aligned internal documents

*Complaints and Appeals Management QA PR 05*

*Student Misconduct Management QA PR 11*  
*Action form QA FO 05.01*  
*Workplace Complaint Resolution SHRD PR 23*  
*Protected Disclosure Procedure SHRD PR 17*  
*IBAC Mandatory Notifications Policy SHRD PO 41*

## 11. Key aligned external documents

*Education and Training Reform Act 2006*  
*Standards for Registered Training Organisations (RTOs) 2015*  
*VET Student Loans Act 2016 and the corresponding VET Student Loans Rules 2016*  
*Education Services for Overseas Students Act 2000*  
*National Code of Practice for Providers of Education and Training to Overseas Students 2017*  
*Charter of Human Rights and Responsibilities Act 2006*  
*Freedom of Information Act 1982*  
*Privacy and Data Protection Act 2014*  
*Independent Broad-based Anti-corruption Commission Act 2011*  
*Protected Disclosure Act 2012*  
*Child Safe Standards (from January 2017 under the Child Wellbeing and Safety Act 2005)*

## 12. Review and approval

	Position	Area
<b>Author / reviewer:</b>	Manager	Quality and Risk Management
<b>Custodian:</b>	Manager	Quality and Risk Management
<b>Endorsed by (if applicable):</b>	Risk and Compliance Committee	
<b>Ratified by (if applicable):</b>	Risk Management Executive Team	
<b>Review schedule:</b>	This policy will be reviewed every 3 years (or earlier as required)	
<b>Last reviewed / updated:</b>	23 May 2019	